

SUMMARY

2003 NOAA FISHERIES CONSTITUENT SESSIONS

New England Region

ACKNOWLEDGEMENTS

Many individuals are responsible for making the 2003 Constituent Sessions for the Gulf of Mexico region a success. To acknowledge the contributions of each of these individuals by name is not possible because so many people and organizations assisted in this endeavor. We especially thank the participants for sharing their views during the sessions. Without their participation, the constituent sessions would not have been successful.

We thank the National Marine Fisheries Service (NOAA Fisheries) for all their support, both financial and in-kind. It is gratifying to be part of a process in which a federal agency actively seeks its constituents' opinions on important issues. Dr. William Hogarth, Assistant Administrator for NOAA Fisheries, participated in each of the constituent's sessions. Without his participation, the process would not have been so well received.

Finally, we thank the Pacific States Fishery Management Commission for selecting MerrellKatsouros LLP to help with the 2003 Constituent Sessions. We have learned a great deal from listening to the fisheries stakeholders and we hope that knowledge is reflected in our reports.

MERRELLKATSOUROS LLP

MerrellKatsouros LLP is a registered limited liability partnership in the Commonwealth of Virginia. Mary Hope Katsouros, Esq. and William Merrell, PhD, founded the MerrellKatsouros Partnership in June of 2002. The Partnership focuses on developing policies that balance the use and conservation of our ocean and coastal resources. The Partnership also provides public education on marine resource issues. Core competencies at MerrellKatsouros LLP include the abilities to understand complex interactions of human systems with natural systems at local, regional and national scales and to apply these understandings to the design of governance principles and management systems. MerrellKatsouros LLP personnel are recognized experts in formulating strategic approaches to issues and in designing specific solutions to critical issues by taking a vision or concept to goal statements, then to definitive objectives, and finally to performance measures.

Mary Hope Katsouros and William J. Merrell of MerrellKatsouros LLP prepared this report as part of the requirements of their Contract with the Pacific States Marine Fisheries Commission. The series of reports produced under this contract reflect the views and interpretation of MerrellKatsouros LLP and not those of the National Marine Fisheries Service or the Pacific States Marine Fisheries Commission. MerrellKatsouros LLP is solely responsible for the report and its contents.

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CHAPTER 1

THE PROJECT

1.1 Origin and Description of the Project

Present-day laws, policies, and paradigms encompassing management of U.S. Marine Fisheries can be traced back to the recommendations of a 1969 report, *Our Nation and the Sea*, by the Commission on Marine Science, Engineering, and Resources (Stratton Commission). The recommendations of the Stratton Commission led to the creation of the National Oceanic and Atmospheric Administration (NOAA) in 1970 and the transfer into this new agency of the National Marine Fisheries Service (NOAA Fisheries), then the Bureau of Commercial Fisheries.

The Stratton Commission also laid the groundwork for the passage of the Fishery Conservation and Management Act of 1976. A principal feature of the Act was the creation of eight (8) regional Fishery Management Councils that represented a decentralized, participatory system with significant stakeholder involvement in fisheries conservation and allocation decisions. Over the years, the eight councils have evolved individually and exhibit significant differences with respect to policies, practices, and levels of public participation and access.

Most stakeholders believe that the present system of fishery management needs improvement, but they are unsure about the nature of the problem, the type of change required, the possible options, and how best to measure progress.

As the diverse interests of marine resource stakeholders increasingly diverge, and as the political resolve to reshape existing legal and regulatory processes grows, there is a critical need for a systematic evaluation of fisheries management and the process of public participation in that management. To generate information important to the pending reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA, P.L. 94-265), Congress and the National Marine Fisheries Service are working to better understand ways for the United States to fulfill its responsibilities in marine stewardship. Recent and ongoing evaluation efforts include: the U.S. Commission on Ocean Policy, Congressional hearings on Magnuson-Stevens Act reauthorization, and a number of Congressionally mandated studies (key works: National Academy of Public Administration, Court, Congress and Constituencies: Managing Fisheries by Default; National Academy of Science, Science and Its Role in the National Marine Fisheries Service; Marine Fisheries Advisory Committee, A Perspective on the National Marine Fisheries Service: Issues and Recommendations); and National Academy of Public Administration (Kammer Report), An Independent Assessment of the Resource Requirement for the National Marine Fisheries Service.

A key recommendation of the Kammer Report is that “The (NOAA Fisheries) Assistant Administrator design and implement processes for developing and evaluating its programs and updating its policies that involve constituents and partners where these groups or individuals have expertise and/or will be affected.” This project is a response to that recommendation.

1.2 How the Project was Conducted

NOAA Fisheries, working with the Pacific States Fisheries Management Commission, contracted with MerrellKatsouros LLP to schedule a series of regional constituent sessions and to evaluate constituent’s e-mail communications. The purpose of the sessions was to gather public input on ways to improve the effectiveness of NOAA Fisheries and its management of living marine resources.

The regional sessions were a collaborative effort that involved all major marine fisheries interests. The primary objective was to assemble and analyze the diverse opinions, attitudes, and perspectives of marine resource stakeholders as they relate to the broad themes of U.S. fisheries management. A secondary objective was to identify possible performance measures.

The meetings were announced in the *Federal Register*, on the NOAA Fisheries web page, and on the web page of each of the regional Fishery Management Councils. In addition, stakeholders unable to participate at the regional sessions were encouraged to use the E-Comments pilot program to share their views. The following questions were developed to assist stakeholders:

1. What are the most important issue facing fisheries in your region?
2. Who has responsibility over this issue? If unclear or uncertain, who should be in charge?
3. Does the solution require (a) no change to the present administrative or statutory structure; (b) administrative changes, and if so what would you propose; or (c) statutory changes, and if so, what would they be?
4. How could one measure if the solution is being properly implemented and working?
5. Briefly describe the best way to keep you informed about changes within NOAA Fisheries and fisheries management?

The constituent sessions for the New England region were held in conjunction with the New England Fishery Management Council. The Council graciously arranged and announced the constituent sessions which were held on September 16, 2003, in

Fairhaven, Massachusetts. One hundred and fourteen stakeholders participated in the sessions. Twenty-nine of the stakeholders made statements. In addition, twenty-five e-mail messages were received that commented on fisheries management in the region.

At the beginning of the each session, Dr. William Hogarth presented his views on the status of U.S. Marine Fisheries. Dr. Hogarth's presentation is summarized in Chapter 2, and a copy of his visual aids is available in Appendix 2. There was also a discussion about the region's fisheries led by Dr. Hogarth and the NOAA Fisheries Regional Administrator. Chapter 3 provides an overview of the Regional Council, the fisheries under its management, and important topics now being considered. After the presentations, the stakeholders presented their views. A summary of the stakeholders' comments is contained in Chapter 4.

CHAPTER 2

U.S. MARINE FISHERIES – PRESENTATION BY DR. WILLIAM HOGARTH

This chapter contains a summary of the national status of U.S. Marine Fisheries presented at the regional constituent sessions by the Assistant Administrator for NOAA Fisheries, Dr. William Hogarth. Appendix 2 contains Dr. Hogarth's slides.

The following are excerpts from Dr. Hogarth's opening remarks:

... We do have great fisheries in this country. We know that management works, and it's just a matter of working together.

... We're responsible and you're responsible for managing around 952 stocks, of those, 259 of them are considered major, and some are considered minor stocks. When we say minor, the only reason is because we look at it from a standpoint of landings, because we have to give Congress a report. Each year we give Congress a report on major and minor stocks.

Twenty species have come off the overfished list in the last five years, and 25 fish stocks have come off the overfishing list. We still have 86 overfished stocks, but about 70 of

those already have rebuilding plans in place. We implemented a schedule to have all 86 stocks with rebuilding plans no later than 2005 [two of them in 2005, the rest (84) of them will probably be in 2004)]. We added seven species last year and we took six off. So it goes back and forth when you manage a stock for conservation and use.

If you look at the commercial fishery in the U.S., we land about 9.5 billion pounds in the U.S. and we're the world's fourth largest fishing nation. These fish have value at dockside of about 3.2 billion dollars. We import about 18.5 billion dollars in fishery products and we export only 11.8. So, we have a deficit in fisheries related trade.

...U.S. Citizens consumed about 14.8 pounds per person in 2001 and last year shrimp was the number one crop in the U.S. It overtook tuna.

...We are importing between 60 and 70 percent of all the seafood we utilize in this country, and we're importing about 88 percent of all the shrimp utilized in the U.S. We import shrimp from 33 countries. We do not currently have the standards on antibiotics in this country that other countries have. We are getting quite a few shrimp imported into the U.S. and, in turn, that has really flooded the market. The imports are really becoming a problem for our fisheries and we need to look at how we can help in this effort. I think aquaculture from foreign countries is

producing very inexpensive products. A lot of money is being invested.

We don't do much in this country with aquaculture. We are in the process now of trying to determine the role of NOAA Fisheries and how we should be doing aquaculture.

...The recreational fishing industry has over 17 million people that fish. They make 65 to 70 million fishing trips per year. They land about 135,000 metric tons...

...Over 17 million Americans participated in recreational fishing in 2002, totaling over 65 million fishing trips and supporting almost 350,000 jobs with an economic impact of more than \$30 billion.

...The economic value of the commercial fishery is also around 28 to 29 billion dollars. Therefore, we're dealing with a total fishery worth close to 60 billion dollars in gross national product. If you look at management of overfished stocks and opportunities, that could be increased at least 15 to 20 percent. So, we have our work cut out for us.

We have about 349,000 jobs supported by the recreational industry. Factoring in personal incomes and related expenditures, it really gets to be very big business.

The top ranking recreational fishing state, of course, is Florida. California follows in second place. If Texas provided data, Texas would be ranked number three.

Excerpts from Dr. Hogarth's slide presentation follow:

*THE STATE OF U.S. MARINE FISHERIES IS
IMPROVING*

...The State of U.S. Marine Fisheries is improving. We have been making steady, incremental, progress in improving the nation's marine fisheries.

- *Status of Stocks: 932 federally managed stocks*
- *259 major stocks account for 99.9 percent of total landings, the rest (672) are considered minor stocks*
- *695 stocks have unknown status*
- *86 stocks still listed as overfished, but we continue our commitment to rebuilding*

LET ME TELL YOU WHY:

I think we are improving. In the last five years, we have reduced the number of stocks from both the overfished and overfishing categories:

- *Overfished – 20 removed, 7 added = +13*
- *Overfishing – 26 removed, 12 added = +14*
- *70 rebuilding plans have been adopted*

MY PRESENTATION WILL FOCUS ON:

- *Value of U.S. Marine Fisheries: Commercial statistics, Recreational Statistics, and Import/Export Statistics*
- *How the Region is Doing*
- *Challenges and Goals*

VALUE OF U.S. MARINE FISHERIES

U.S. RECREATIONAL FISHERY STATISTICS

- *Over 17 million participants*
- *Over 65 million fishing trips per year*
- *Over 135 thousand metric tons landed per year*
- *Economic impact of more than \$30 billion*

- *More than 349,000 jobs supported*

Ecosystem-based management affects the recreational industry quite a bit in that one needs to look at Marine Protected Areas or other things that may protect fish. If you look at Number 3 of my goals, where it says stabilize for maximum economic benefit, I think that recreational is part of the maximum economic benefit. The big issue in the future is the allocation between commercial and recreational because the recreational industry is growing.

MY TEN GOALS

- 1. Review National Standard 1 Guidelines*
- 2. Explore Ecosystem-based management*
- 3. Stabilize fisheries for maximum economic benefit and improve rebuilding plans*
- 4. Increase communication and cooperative research with industry*
- 5. Promote U.S. seafood*
- 6. Incorporate ocean observing system*

7. *Minimize bycatch and develop new gear technology*
8. *Develop pilot projects in aquaculture*
9. *Improve timeliness and responsiveness in management*
10. *Export gear technology internationally to help recover endangered species*

We have made great progress in management. There are a lot of success stories, but we still have a lot of work to do. We need to make sure that we take credit for what has been done and we should be dedicated to improving management.

Summer flounder is coming off the overfished list. The surfclam and ocean quahog are no longer classified as overfished. Squid and butterfish are no longer overfished. Salmon runs this year are very high.

The listing criteria for the Endangered Species list, the Jeopardy Standard, and Essential Fish Habitat are all issues that must be covered. The Council is required to designate Essential Fish Habitat for all of these 952 species for four life stages.

We need to be timelier and more responsive. I don't know if we can do anything with that before Magnuson is reauthorized, which will probably be in about a year.

We are trying to beef up our Constituent Services in NOAA Fisheries.

My [Hogarth's] job, and people might disagree with me, but the job I took is to manage these fisheries for maximum economic benefit to the country. And that means that you are going to have stocks that will be reduced to probably 50 to 60 percent of their natural levels. I feel pretty confident that cooperative research is an excellent way to make progress.

We need to do a better job of promoting seafood in the U.S. Just because a stock is overfished, does not mean it should not be utilized by the American public if a rebuilding plan is in place.

CHAPTER 3

THE NEW ENGLAND REGION

3.1 The Council

The New England Fishery Management Council (NEFMC) is one of eight regional councils established by the Magnuson-Stevens Act. The NEFMC is in charge of conserving and managing fishery resources off the coasts of Maine, New Hampshire, Rhode Island, Connecticut, and Massachusetts. These waters represent some of the richest fisheries in the world. The port of New Bedford, Massachusetts is the highest producing in the region, landing 109 million pounds valued at \$169 million in 2002.

The NEFMC is tasked with implementing fisheries management provisions of the Magnuson-Stevens Act. These provisions relate to ending overfishing, minimizing bycatch, identifying and protecting essential fish habitat, and minimizing adverse impacts for fishing communities.

The NEFMC is composed of 18 voting members. Six are from state fishery-management agencies and NOAA Fisheries. Twelve public members are nominated by the governors of the New England coastal states to be appointed by the Secretary of Commerce for three-year terms. The latter members are limited to a maximum of three

consecutive terms. In addition, four nonvoting members represent the United States Coast Guard, U.S. Fish and Wildlife Service, U.S. Department of State, and the Atlantic States Marine Fisheries Commission. Each NEFMC member serves on at least one oversight committee. Oversight committees are structured to develop alternatives and management measures for NEFMC consideration and eventual inclusion in a fishery management plan (FMP). Generally, committees are related to a specific fishery-management issue.

There are 32 stocks under the direct authority of the NEFMC. It shares management of an additional three stocks with the Mid-Atlantic Fishery Management Council.

Oversight committees meet regularly to review and discuss individual fishery management plans and develop specific measures that form the bases of each plan, plan amendment, or framework adjustment to an FMP. Oversight committee recommendations are forwarded to the full council for their approval before inclusion in any draft or final version of an FMP.

In order to better integrate management effort and research initiatives and to improve the information available for decision-making, the NEFMC established a research steering committee (RSC) in 1999. Comprised of fishermen, scientists, managers, and members of the academic and environmental communities, the RSC

serves as an advisory group to NOAA Fisheries and to the Northeast Region's Cooperative Research Partners Initiative. RSC members bring broad experience to this project-based collaborative program that teams scientists, as well as fishing and technology professionals from the New England region, to investigate scientific questions of mutual interest. Funds provided through Congressional appropriations to the Northeast Region have supported more than 30 cooperative research projects that address a range of issues. These issues deal with gear selectivity and bycatch reduction studies, habitat investigations, and streamlined electronic data collection methods. Additionally, the RSC also makes recommendations on sea scallop research proposals. The resultant research is funded through a set-aside of one percent of the Total Allowable Catch of scallops harvested through special programs provided for in the Sea Scallop Fishery Management Plan.

The implementation of the Magnuson-Stevens Act in the late 1970s began with New England groundfish populations depleted from heavy foreign fishing. This trend continued into current years as foreign fleets were replaced by U.S. fishermen. In 1994, the New England groundfish fishery collapsed. To protect the remaining stocks, managers closed large portions of the EEZ to protect spawning stocks and began to place restrictions on groundfish fishermen to get landings in line with scientist's estimate of levels that would allow the stocks to rebuild.

The 1996 Sustainable Fisheries Act added new provisions to the Magnuson-Stevens Fishery Act. These provisions contained significant new requirements for the New England Fishery Management Council to reduce fishing effort and rebuild depleted stocks within a short time, reduce bycatch, and address essential fish habitat issues. Subsequent lawsuits and court actions have required the Council to recommend additional fishing restrictions that are now being put into place.

3.2 FMPs For the Region

The New England Fishery Management Council has developed seven fishery management plans to date. The NEFMC has the lead in managing monkfish plan jointly with the Mid-Atlantic Council (MAFMC) and shares managing the spiny dogfish plan with MAFAC as the lead. The NEFMC's Atlantic salmon plan contains a single measure that prohibits possession of this species whether caught by directed or incidental (bycatch) commercial fishing in federal waters.

The plans are:

1. Fishery Management Plan for Northeast Multispecies

The northeast multispecies fishery is a major fishery on the Atlantic coast that extends from Cape Hatteras, North Carolina, north to Maine. The Northeast Multispecies

FMP was implemented in 1986 to reduce fishing mortality of heavily fished groundfish stocks and to promote rebuilding to sustainable biomass levels. Over the years the plan has been amended and adjusted through the council's public process.

Regulations implemented under the Northeast Multispecies FMP impose an extensive system of controls to regulate fishing mortality. In addition to a permit moratorium to limit the number of participants in the fishery, vessels are subject to Days At Sea restrictions, minimum fish size restrictions, closed areas, trip limits, and gear restrictions, among other measures. The status of the individual regulated multispecies stocks varies for each species.

2. Fishery Management Plan for Atlantic Sea Scallops

NOAA's 2002 Report to Congress on the Status of U.S. Fisheries details the great success of New England's scallop fishery management plan. Management measures have produced a significant increase in landings from 22 million pounds in 1999 to more than 32 million in 2000. As the stock was declared no longer overfished, a record 44 million pounds were landed in 2001. Council Chairman Tom Hill of Gloucester, MA, said he was pleased with the 2002 report, crediting a number of innovative management programs and the sacrifices of New England fishermen for the plan's success. "I'm happy to see the improvements documented," Mr. Hill added.

3. Fishery Management Plan for Monkfish

When dealing with monkfish, the NEFMC intends to limit mortality and improve size selectivity, end and prevent overfishing, rebuild and maintain a healthy spawning stock, optimize yield and maximize economic benefits to the various fishing sectors, prevent increased fishing on immature fish, and to allow the traditional incidental catch of monkfish to occur. These goals help ensure adequate spawning and highest possible yields without radically altering the fisheries that target other species or causing extensive regulatory discarding. In addition, they address immediate problems caused by intensified fishing effort for small monkfish.

The condition of the monkfish stocks off New England and the Mid-Atlantic coast has improved significantly over the last 3-4 years under the NEFMC's joint management program with the Mid-Atlantic Fishery Management Council. More recently, NOAA Fisheries trawl surveys have enabled the agency to declare the northern stock of monkfish no longer overfished.

4. Fishery Management Plan for Atlantic Herring

Atlantic Herring are distributed along the Atlantic coast from North Carolina to the Canadian Maritime provinces. Schooling, or the formation of large aggregations for feeding and migration, is characteristic of herring species. This behavior begins as early

as the onset of metamorphosis during larval development. Although herring schools are sometimes visible at the water's surface during the day, they typically undertake diurnal vertical migrations, sinking to the seafloor during the day and rising to the surface after dusk. Schools of adult herring make extensive migrations to areas where they feed, spawn, and over-winter.

The Atlantic herring fishery was managed by the International Commission for the Northwest Atlantic Fisheries (ICNAF) from 1972 until 1976, when the United States withdrew from the organization and began developing its own herring FMP. The goals of the FMP, adopted in 1978, were to manage herring stocks on Georges Bank and in the Gulf of Maine to achieve higher levels of spawning biomass and stable recruitment, and to rebuild the juvenile herring resource and sardine fishing in the Gulf of Maine. During the interim period (1976-1978), foreign fishing for herring in U.S. waters was regulated through a preliminary management plan prepared by the National Marine Fisheries Service.

The original herring FMP was rescinded by NOAA Fisheries in 1982 because of conflicts between state and federal regulations. After several changes in the way herring was managed by both state and federal agencies, the present FMP was implemented in 1999. Herring is managed through the use of a quota system ["hard" total allowable catches, or TACs]. When 95 percent of the annual quota is caught within one of the

herring management areas, that area is closed to fishing until the start of the next fishing year.

Recent analysis of the Atlantic herring fishery indicates that fishing mortality on this species is low and current biomass is high and above Bmsy (the long-term average stock biomass level required to achieve maximum sustainable yield).

5. Fishery Management Plan for Red Crab

This FMP was developed to address one primary problem and one secondary problem. Overfishing the red crab resource is the primary problem needing management attention. Based on a comprehensive survey conducted when the fishable stock of this resource was considered to be in virgin condition, maximum sustainable yield (MSY) was originally estimated at 5.5 million pounds (Serchuk 1977). Commercial landings of red crab have exceeded this level several times since the development of the fishery.

The potential for the directed red crab fishery to become overcapitalized is the secondary problem. Determining the appropriate number and fishing power of the vessels in the directed red crab fishery is a problem that must take into account biological, economic, and social concerns.

6. Fishery Management Plan for Skates

The overall goal of this FMP, implemented in 2003, is to study and manage the northeast skate species complex at long-term sustainable levels. The FMP also implemented measures to protect the two presently overfished species of skates (barndoor and thorny) and increase their biomass to target levels. The FMP is designed to minimize the bycatch and discard mortality rates for skates, promote and encourage research for critical skate-related information, develop a skate species information guide, minimize the impacts of skate management approaches on fisheries for other species, and manage clearnose and rosette skates separately from the other five species in the skate complex.

7. Fishery Management Plan for Atlantic Salmon

The FMP for Atlantic salmon was implemented by NOAA Fisheries on March 17, 1988, establishing explicit U.S. management authority over all Atlantic salmon of U.S. origin. The plan was intended to complement state salmon management programs in coastal and inland waters and federal management authority over salmon on the high seas which had been conferred to the U.S. as a signatory nation of the North Atlantic Salmon Conservation Organization (NASCO).

The FMP prohibits possession of Atlantic salmon and any directed or incidental (bycatch) commercial fishing for Atlantic salmon in federal waters. The NEFMC's salmon plan strengthens the efforts of local groups, such as the Connecticut River

Atlantic Salmon Commission, that are working towards the restoration of salmon stocks in New England river systems.

CHAPTER 4

ISSUES IDENTIFIED BY CONSTITUENTS

This chapter provides a summary of the issues presented by participants at the constituent sessions and provided electronically through email. The issues have been divided into national and regional topics. For this report, regional issues are issues that primarily affect the New England region.

The 2003 NOAA fisheries constituent session for the New England region was held September 16th in Fairhaven, Massachusetts, in conjunction with a meeting of the New England Regional Fishery Management Council. This constituent session had 114 attendees, 29 of whom made presentations during the sessions. Twenty-five email messages were received from constituents from the New England region. Of the sixteen national issues identified, the New England constituents commented on seven. The sixteen topics were: aquaculture-marine; bycatch; councils; ecosystem management; enforcement; economic, social, cultural; essential fish habitat; infrastructure – land-based; management, Magnuson Stevens Act; marine mammals; marine protected areas; NOAA leadership; overcapitalization/rationalization; Pew Oceans Commission, National Commission on Ocean Policy; recreational/commercial; regulatory streamlining; and science/data/observations. Responses to these issues are summarized below:

NATIONAL ISSUES

National issues identified by constituents either at regional sessions or electronically, by topic in alphabetical order, are:

1. **Aquaculture – Marine**

- No comment

2. **Bycatch, Bycatch Reduction**

- Need more flexibility on experimental permits

3. **Councils**

- Can't separate conservation and allocation functions
- Must separate conservation and allocation functions
- Councils should make fisheries policy, not bureaucrats or technical committees
- Councils have become overwhelmed by the task of fisheries management and ceded responsibility to science
- Shouldn't respond to letters by regional administrators
- Many council members have an economic interest in the outcome of their votes
- Need a program of training/education for council members
- Should use advisory panels comments more and more wisely
- The information volume is overwhelming councils
- There should be a method so peers could kick off a bad council member

4. **Ecosystem Management**

- No comments

5. **Economic, Social and Cultural Issues**

- Fishing reductions have hurt the local economy and disrupted the social structure. They are destroying our past as well as our future
- Processors set up new plants, and then NOAA reduces the fishery because of “new science”. Must have longer time horizons before changing Total Allowable Catches (TACs)
- The fishermen making sacrifices now won’t be around to reap the rewards
- Must develop models that analyze the entire system being managed – not models that look at one piece of a much bigger system

6. **Essential Fish Habitat**

- No comments

7. **Infrastructure – Land-based**

- Cost of oceanfront property makes it difficult to develop new shoreside fishing industry facilities or to reopen any that close

8. **Management, Magnuson-Stevens Act**

- Should not attempt to separate conservation and allocation functions in the Councils
- Need to separate conservation and allocation functions with the councils handling allocation only

- The Magnuson-Stevens Act should be exempt from the National Environmental Policy Act (NEPA). NEPA lawsuits are just an excuse to pursue other agendas
- Limiting days-at-sea is a bad way to manage
- Days at sea hasn't worked. Need a hard TAC to stop overfishing
- NOAA's approach to implementing the ten national standards is beyond the intention of Congress in the Magnuson-Stevens Act
- Allocations should be over a longer period – five years - so fishermen and processors can plan
- Fishermen have been good partners with NOAA Fisheries and Councils and it hasn't worked
- Apparent rebounds in abundance often depend on the baseline selected, the recent depletion in stocks were from already depleted historic baselines
- Needs to provide stability in fishing communities
- Should not make any changes during a fishing year
- Should not set hard TACs
- Management is being driven by lawsuits filed by the environmentalists
- Keep going forward with rebuilding, progress is being made
- Agency needs to stop overfishing with the least social and economic impacts
- Industry needs to keep a constant supply of product to the market; closures force customers to go to other suppliers

9. Marine Mammals

- No comments

10. Marine Protected Areas

- No comments

11. NOAA Leadership

- Bill Hogarth is the most accessible and visible NOAA Fisheries Director
- NOAA Fisheries Science Center is much more open now
- Hogarth's top ten goals are right-on
- NOAA Fisheries should be held accountable for the social disruptions in fishing communities
- Keep providing good leadership
- NOAA needs look at NEPA/Magnuson-Stevens Act issues

12. Overcapitalization/Rationalization

- No comments

13. Pew Oceans Commission/National Commission on Ocean Policy

- No comments

14. Recreational/Commercial

- No comments

15. Regulatory Streamlining

- Process is unworkable with too many thousand page documents

16. Science/Data/Observations

- Too big a delay between taking data and using it
- Observer coverage needs to be increased

- Scientists are working with industry to solve problems
- The culture at fishery science centers has improved
- Marine recreational fishing surveys need improvement
- Bad science has hurt fisheries management
- Shouldn't best available science include university science?
- Science needs to look at natural cycles in ocean and how they affect fisheries management
- Need more cooperative research – It works
- Need more benthic surveys for habitat assessments
- Need consensus on science to agree on Maximum Sustainable Yield (MSY)
- NOAA Fisheries stock surveys use poor fishing gear and don't go where many of the fish are
- Need information in real time to build a sustainable fishery
- Need more experimental fishing permits
- Fishermen need stock assessments and surveys that they have confidence in and ones that they have participated in.

Regional Issues

Topics identified by the constituents, specific to the New England, are the following:

- Amendment 13 will put fishers and processors out of business
- Trawl gear problems by NOAA Fisheries scientists make all reference points questionable

- These are tough times for fishers in New England
- NOAA Fisheries is guilty of mental abuse in New England
- In the end, there will be no commercial fishers in New England
- Lawsuits leading to stricter regulation have caused disruption in fishing communities
- Years of overfishing, not lawsuits are the cause of New England's problems
- Thousands of jobs are riding on amendments now before the NEFMC
- The Labrador current is running strong and bringing back groundfish
- The Industry has created the best available science working with academia's benthic maps, but has to fight to get the data into the system